

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Ref: 1038-1212 MIS:as

In re patent application

No.: 10/030,313

I.A. Filing Date: July 11, 2000

Applicant: Sheena M. Loosmore et al.

Title: MULTI-COMPONENT VACCINE TO PROTECT AGAINST
DISEASE CAUSED BY HAEMOPHILUS INFLUENZAE AND
MORAXELLA CATARRHALIS

RECEIVED

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OFFICE OF PETITIONS

June 26, 2003

The Commissioner of Patents
and Trademarks,
2011 S. Clark Place
Customer Window, Mail Stop Petition,
Crystal Plaza 2 Lobby, Room 1B03
Arlington, Virginia 22202,
U.S.A.

RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Sirs:

This Renewed Petition is submitted pursuant to the Decision on Petition dated January 31, 2003. Petition is hereby made under the provisions of 37 C.F.R. 1.136(a) for an extension of three months of the period for submission of this Renewed Petition. Our cheque in respect of the prescribed fee is enclosed.

The applicants filed a Petition under 37 C.F.R. 1.47(a) on September 18, 2002, requesting acceptance of the application without the signature of inventor Ken Sasaki on the grounds that the non-signing inventor refused to execute the Declaration.

The Decision on Petition dated January 31, 2003 indicated that four items must accompany a Petition under 37 C.F.R. 1.47(a):

- (1) the fee under 37 C.F.R. 1.17(h),
- (2) factual proof that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort,
- (3) a statement of the last known address of the non-signing inventor, and
- (4) an Oath or Declaration executed by each available joint inventor on his or her behalf and on behalf of the non-signing inventor.

The Decision indicates that items (1) and (3) have been submitted and satisfy the requirements of 37 C.F.R. 1.47(a).

With respect to item (4), the Decision notes that a Declaration and Power of Attorney executed by Sheena Loosmore, Yan-Ping Yang and Michel H. Klein, on behalf of Ken Sasaki was submitted on May 7, 2002. In the latter respect, it is believed that the Declaration and Power of Attorney document submitted May 7, 2002, was signed by the noted inventors on their own behalf. The Petition under 37 C.F.R. 1.47(a) was accompanied by a Declaration and Power of Attorney executed by Sheena Loosmore, Yan-Ping Yang and Michel H. Klein on behalf of Ken Sasaki. In any event, it is assumed that item (4) has been satisfied.

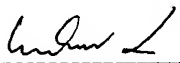
In an attempt to satisfy item (2), applicants submitted a Declaration by Mr. Reza Yacoob. The Decision on Petition indicates that the action taken by Petitioner is not sufficient to provide that "a diligent effort" was made to contact the non-signing inventor.

Submitted herewith is a further Declaration by Mr. Reza Yacoob supplementing the information previously provided and documenting further attempts to secure execution of a Declaration and Power of Attorney by Ken Sasaki. It is submitted that the conduct of Ken Sasaki is tantamount to a refusal to sign the paper.

It is noted that, in the Petition submitted September 9, 2002, the last known address of Ken Sasaki indicated a company name of MDS Pharmaceuticals. This description was in error and the correct company name is NPS Pharmaceuticals. This entity and the address previously indicated are where the documentation referred to in the Declarations by Reza Yacoob were sent.

Accordingly, it is submitted that item (2) has now been satisfied and the Petition under 37 C.F.R. 1.47(a) should be granted.

Respectfully submitted,



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